

VICTOR ZONING BOARD OF APPEALS MEETING

MONDAY, JANUARY 11, 2016

DRAFT RESOLUTION PACKET

“Zoning Board of Appeals Draft Resolutions are in draft form and are subject to change prior to or during the public meeting. Additional information may be obtained in the Planning & Building Office.”

PUBLIC HEARING

1. POSINELLI – 4 SEASON SUNROOM – (Area Variance)
6448 Sunray Crest Drive
Appl. No. 23-Z-15

Applicant requests an area variance to allow an approximately 6.5 foot side setback from the lot line for a sunroom roof overhang, whereas the Boca Park subdivision approvals site an 8 foot side setback.

(draft resolution attached)

2. MARTIAL ARTS STUDIO – (Interpretation)
75 Victor Heights Parkway
Appl. No. 24-Z-15

Applicant is requesting for an interpretation and appeal of determination of the Town of Victor Code §211-24 to determine if a martial arts studio and wellness center is a permitted use in a light industrial district; requesting approval as a use of a similar character to permitted uses in order to request a Special Use Permit from the Planning Board.

(draft resolution attached)

WHEREAS, an application was received by the Secretary of the Zoning Board of Appeals on December 28, 2015 to allow the construction of a sunroom on an existing deck that will have a roof overhang of six and a half feet from the side property line of 6448 Sunray Crest, Victor, NY 14564 whereas the Boca Park subdivision was approved as a clustered subdivision with an eight foot side setback; and,

WHEREAS, said application was referred by Alan Benedict, Code Enforcement Officer of the Town of Victor on the basis of the variance requested to the Town of Victor Code; and,

WHEREAS, a Public Hearing was duly called for and was published in "The Daily Messenger" on January 3, 2016 and whereby all property owners within 500 feet of the application were notified by U. S. Mail; and,

WHEREAS, a Public Hearing was held on January 11, 2016 at which time _____ residents spoke for the application and _____ residents spoke against the application; and,

WHEREAS, after reviewing the file, the testimony given at the Public Hearing and after due deliberation, the Town of Victor Zoning Board of Appeals made the following findings of fact for the accessory structure to be placed two feet from the property line:

1. An undesirable change *would/would not* be produced in the character of the neighborhood or a detriment to nearby properties created by the granting of the area variance.

Justification:

2. The benefit sought by the applicant *can/cannot* be achieved by some method, feasible for the applicant to pursue, other than an area variance.

Justification:

3. The requested area variance *is/is not* substantial.

Justification:

4. The proposed variance *will/will not* have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

Justification:

5. The alleged difficulty *is/is not* self-created. This consideration is relevant to the decision of the board, but shall not necessarily preclude the granting of the area variance.

NOW, THEREFORE BE IT RESOLVED that the application of Thomas Polsinelli, 6448 Sunray Crest, Victor, New York 14564 for an area variance to construct a sunroom on an existing deck that will have a roof overhang of six and a half feet from the side property line, BE *DENIED/APPROVED*:

FURTHER RESOLVED that the following conditions are imposed to minimize any adverse impact such variances may have on the neighborhood or community:

- 1.

RESOLUTION – Martial Arts Studio Appeal & Interpretation
75 Victor Heights Parkway

DATE: 1-11-16
Appl. No. 24-Z-15

WHEREAS, a notice of appeal and interpretation request by Kyle Schoenheit and Paul Poresky, of 1741 Seneca Falls, Waterloo, NY 13165, was received by the Secretary of the Zoning Board of Appeals on December 28, 2015, appealing the Victor Planning & Building Department determination, dated December 28, 2015, that Victor Town Code § 211-24 does not consider a martial arts studio a permitted use at 75 Victor Heights Parkway which in a light industrial zoned district.

WHEREAS, a Public Hearing was duly called for and published in “The Daily Messenger” on January 3, 2016, and whereby all property owners within 500 feet of the subject property were notified by U.S. Mail; and,

WHEREAS, a Public Hearing was held on January 11, 2016, at which time _____ residents spoke *in favor/against* the appeal and interpretation request to reverse the Determination , and Al Benedict/Sean McAdoo, Victor Code Enforcement Officer, presented *the/his interpretation; and,*

WHEREAS, after reviewing the file, all of the testimony given at the January 11, 2016 Public Hearing of the Zoning Board of Appeals, and any and all evidence submitted by interested parties, after due deliberation, the Town of Victor Zoning Board of Appeals made the following findings:

FINDINGS

DECISION:

On motion made by _____, and seconded by _____:

NOW, THEREFORE BE IT RESOLVED, that the Town of Victor Zoning Board of Appeals determines that Victor Town Code § 211-24 *does/does not* include a martial arts studio as a permitted use in a light industrial district, *also/however* that it *is not/is* a use of similar character to permitted uses, and; that the Determination of Sean McAddo, dated December 28, 2015, is hereby *UPHELD/REVERSED*, AND;

FURTHER

This resolution was put to a vote with the following results:

Keith Maier
Scott Harter
Michael Reinhardt
Donna Morley
Mathew Nearpass

DRAFT